

REMARKS

Claims 1-61 remain pending in the application.

The Applicants respectfully request the Examiner to reconsider earlier rejections in light of the following remarks. No new issues are raised nor is further search required as a result of the changes made herein. Entry of the Amendment is respectfully requested.

Claims 1-10, 15 and 17-47 over Gleeson

In the Office Action, claims 1-10, 15 and 17-47 were rejected under 35 U.S.C. §102(b) as allegedly being anticipated by U.S. Patent No. 5,446,736 to Gleeson et al. ("Gleeson"). The Applicants respectfully traverse the rejection.

Claims 1-10, 15 and 17-47 recite a protocol gateway to encapsulate a fundamental network protocol underlining each of one or more wireless network protocols.

The Examiner alleges that Gleeson discloses a protocol gateway to encapsulate a fundamental network protocol, the fundamental network protocol to underline each of network protocols and to include a protocol stack that corresponds substantially to an Open System Interconnection (OSI) model at col. 6, lines 57-61, Fig. 2, Fig. 5 and Fig. 6 (See Office Action, page 3).

Gleeson at col. 6, lines 57-61, Fig. 2, Fig. 5 and Fig. 6 fails to mention use of encapsulation of a network protocol. Hence, the rejection should be withdrawn because it fails to demonstrate that the applied reference discloses EACH and EVERY element of the claim. See MPEP 2131. "The identical invention must be shown in as complete detail as is contained in the ... claim." Richardson v. Suzuki Motor Co., 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989). "Anticipation cannot be predicated on teachings in the reference which are vague or based on conjecture." Studiengesellschaft Kohle mbH v. Dart Industries, Inc., 549 F. Supp. 716, 216 USPQ 381 (D. Del. 1982), aff'd., 726 F.2d 724, 220 USPQ 841 (Fed. Cir. 1984).

Gleeson's invention appears to be directed toward taking a standard protocol and optimizing an associated protocol stack by filtering some packets, eliminating and reducing the size of other fields and substituting other

fields to reduce the size of a data packet (See Abstract). The optimization is accomplished by inserting an additional optimization layer into the protocol stack between existing layers (See Gleeson, Abstract).

Thus, Gleeson's invention is directed toward a system and method of optimizing a protocol by optimizing its associated protocol stack. At best Gleeson inserts an additional optimization layer into a protocol stack. Gleeson inserting an additional optimization layer into a protocol stack is NOT encapsulation in any interpretation, much less encapsulation of a network protocol, as recited by claims 1-10, 15 and 17-47.

The Office Action does not make it clear what within Gleeson the Examiner considers a disclosure of encapsulation. However, the broadest reasonable interpretation cannot be inconsistent with the specification, which illustrates the claimed encapsulation (see text describing that, e.g., "Each PG 116 can encapsulate the underlying wireless network access protocol so that it is transparent to MR 124 and BESs 122. As a result, when the MR 124 receives a message from a PG 116, it is unaware of the underlying network access protocol used for communicating the message."). "Claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their 'broadest reasonable interpretation.'" MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)). Thus, Gleeson fails to disclose any type of encapsulation, much less encapsulation of a network protocol, as recited by claims 1-10, 15 and 17-47.

Claims 1-10, 15 and 17-47 recite a protocol gateway to encapsulate a fundamental network protocol underlining each of one or more wireless network protocols.

As discussed above, the Examiner alleges that Gleeson discloses a protocol gateway to encapsulate a fundamental network protocol, the fundamental network protocol to underline each of network protocols and to include a protocol stack that corresponds substantially to an Open System Interconnection (OSI) model at col. 6, lines 57-61, Fig. 2, Fig. 5 and Fig. 6 (See Office Action, page 3).

A review of Gleeson at col. 6, lines 57-61, Fig. 2, Fig. 5 and Fig. 6 (and the rest of Gleeson) fails to reveal that Gleeson even mentions a protocol gateway, much less a protocol gateway to encapsulate a fundamental network protocol underlining each of one or more wireless network protocols, as recite by claims 1-10, 15 and 17-47.

The Examiner alleges in the Response to Arguments section of the Office Action that Gleeson discloses a protocol gateway in Fig. 2, Fig. 5, Fig. 6 and in col. 6, lines 57-61 as a protocol stack of layers (See Office Action, page 16). However, the broadest reasonable interpretation cannot be inconsistent with the specification, which illustrates the claimed protocol gateway (see text describing, e.g., a protocol gateway (PG) being a device that can be “configured to support a specific network access protocol. The PGs 116, in an exemplary embodiment, can act as an interface between a network 114 and wide-area/local-area networks (WANs/LANs) 118a, and 118b.”). As discussed above, “claims are not to be read in a vacuum, and limitations therein are to be interpreted in light of the specification in giving them their ‘broadest reasonable interpretation.’” MPEP § 2111.01 at 2100-37 (Rev. 1, Feb. 2000) (quoting In re Marosi, 218 USPQ 289, 292 (Fed. Cir. 1983)(emphasis in original)). Thus, Gleeson’s protocol stack of layers are NOT a protocol gateway, as recited by claims 1-10, 15 and 17-47.

Accordingly, for at least all the above reasons, claims 1-10, 15 and 17-47 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Claims 11-14 and 16 over Gleeson in view of Meyer

In the Office Action, claims 11-14 and 16 were rejected under 35 U.S.C. §103(a) as allegedly being obvious over Gleeson in view of U.S. Patent No. 6,778,099 to Meyer et al. (“Meyer”). The Applicants respectfully traverse the rejection.

Claims 11-14 and 16 recite a protocol gateway to encapsulate a fundamental network protocol underlining each of one or more wireless network protocols.

As discussed above, the Gleeson fails to disclose or suggest a protocol gateway to encapsulate a fundamental network protocol underlining each of one or more wireless network protocols, as recited by claims 11-14 and 16.

The Examiner relies on Meyers to allegedly make up for the deficiencies in Gleeson to arrive at the claimed features. The Applicants respectfully disagree.

Meyers' invention is directed toward a communications module that permits remote meter reading of a utility meter. However, Meyers' invention lacks any application to communications that occur over a plurality of wireless networks. Meyers fails to disclose or suggest use of a protocol gateway, much less a protocol stack and use of any type of encapsulation, as recited by claims 11-14 and 16.

Thus, theoretically modifying Gleeson with Meyer would STILL fail to disclose or suggest a protocol gateway to encapsulate a fundamental network protocol underlining each of one or more wireless network protocols, as recited by claims 11-14 and 16.

Accordingly, for at least all the above reasons, claims 11-14 and 16 are patentable over the prior art of record. It is therefore respectfully requested that the rejection be withdrawn.

Conclusion

All objections and rejections having been addressed, it is respectfully submitted that the subject application is in condition for allowance and a Notice to that effect is earnestly solicited.

Respectfully submitted,



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